

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DARRYL BISHOP,	:	
	:	Civil Action No. 12-2996 (PGS)
Petitioner,	:	
	:	
v.	:	ORDER
	:	
UNITED STATES OF AMERICA ,	:	
	:	
Respondent.	:	

You have filed a pleading under 28 U.S.C. § 2255 challenging your federal incarceration.

Pursuant to the decision of the Court of Appeals for the Third Circuit in *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999), this is to advise you that, under federal law, a person seeking relief in federal court from confinement resulting from conviction and imposition of sentence must include in a single petition filed in the court of conviction, under 28 U.S.C. § 2255, all potential claims for which he or she desires to seek review and relief because a second or successive habeas petition under § 2255 must be dismissed unless certain very specific and rare circumstances exist. *See* U.S.C. § 2255(h).

Please note that, at this time, you have the following options:

1. You may have your pleading ruled upon as filed;
2. You may request that your pleading be re-characterized as a § 2255 petition and heard as such, if your motion is not already styled as such; or
3. You may withdraw your pleading and file an all-inclusive § 2255 Petition subject to the one-year period described by the Antiterrorism and Effective Death Penalty Act (AEDPA) in 28 U.S.C. § 2255.

IT IS therefore on this 19th day of December, 2012.

ORDERED that you have 45 days from the date of entry of this Notice and Order within which to advise the Court as to your decision. If you fail to notify the Court, your pleading will be ruled upon as filed.

s/Peter G. Sheridan

PETER G. SHERIDAN, U.S.D.J.